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A CASE STUDY APPROACH:

LEGAL OUTREACH CLINICS AT NORTHUMBRIA UNIVERSITY

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INTRODUCTION

Over the last decade there have been significant threats to access to justice, including the reduction in the availability of legal aid implemented by the Legal Aid Sentencing and Punishment of Offenders Act 2012¹ and cuts to charitable organisations and law clinics which have resulted in a reduction or loss of legal services². These measures have impacted disproportionately on people living in disadvantaged and minority communities both because they are likely to be unable to afford to pay for legal advice and representation when they require it and because they are more likely to face legal problems in those areas which have now been removed from the scope of public funding, such as welfare benefits, debt and immigration³. Structural barriers aside, there

¹ In 2010 the Government announced that it would implement a series of reforms to the legal aid regime. The reforms included removing large areas of law from the scope of legal aid; tightening the financial eligibility criteria; cutting fees paid to providers by 10%; and providing more legal advice over the telephone. Financially, the reforms aimed to reduce the legal aid budget by 23%. This equated to cuts of £350 million in 2013 and annual cuts of approximately £268 million until 2018. The reforms were implemented through the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) which can be accessed at: <http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>.

² See, for example, Siddiqui, H (2018) 'Counting the Cost: BME women and gender-based violence in the UK' IPPR Progressive Review.

³ The Council of Europe Commissioner for Human Rights has stated that "vulnerable and marginalised groups of people have been hit disproportionately hard, compounding pre-existing patterns of discrimination in the political, economic and social spheres". This has been reported in "Safeguarding human rights in times of economic crisis", November 2013; Report of the Special Rapporteur on Extreme Poverty and Human Rights, 9 August 2012, UN Doc A/67/278.

is evidence that people who are disadvantaged by reason of financial hardship, unresolved mental health difficulties or immigration status may also be less aware of their legal rights and how to secure the assistance they need⁴. In addition, they may be less likely to seek advice because of a distrust of legal advisers or intimidation by the legal process⁵.

Clinical legal education (CLE) has often been called on to ‘fill the gap’ created by the above measures⁶. Whilst this is not plausible due to the sheer volume of cases, the complexity and urgency of many legal disputes, and the demands that this places both on students, clinical supervisors and the institutions which fund them, it is recognised that law school clinics nonetheless play a valuable role in promoting access to justice for the communities they serve. This is evidenced by the fact that 40% of the 225 clinics within the LawWorks Clinics Network in England and Wales were operated by law schools⁷. Together, they dealt with 32% (over 18,000) of enquiries between April 2016

⁴ Amnesty International (2016) ‘Cuts that Hurt: The Impact of Legal Aid Cuts in England and Wales on Access to Justice’. London: Amnesty International. Retrieved from: <https://www.amnesty.org/en/documents/eur45/4936/2016/en/>.

⁵ See, for example, Siddiqui, H (2018) ‘Counting the Cost: BME women and gender-based violence in the UK’ IPPR Progressive Review; Legal Services Commission (2009) ‘Report on Black, Asian and Minority Ethnic (BAME) Women, Domestic Abuse and Access to Legal Aid’; Schetzer, L, Mullins, J and Buonamano, R (2002) ‘Access to Justice and Legal Needs: a project to identify legal needs, pathways and barriers for disadvantaged people in New South Wales’ Background Paper – available at [http://www.lawfoundation.net.au/ljf/site/articleIDs/012E910236879BAECA257060007D13E0/\\$file/bkgr1.pdf](http://www.lawfoundation.net.au/ljf/site/articleIDs/012E910236879BAECA257060007D13E0/$file/bkgr1.pdf) and Forell, S and Gray, A (2009) ‘Outreach legal services to people with complex needs: what works?’ Law and Justice Foundation Justice Issues Paper 12.

⁶ See Campbell, E (2014) ‘Pro bono is great education for law students but they shouldn’t fill the gap left by legal aid cuts’ published in The Conversation – available at <https://theconversation.com/pro-bono-is-great-education-for-law-students-but-they-shouldnt-fill-gap-left-by-legal-aid-cuts-34323>.

⁷ LawWorks Clinics Network Report April 2016-2017: analysis of pro bono legal advice work being done across the LawWorks clinics network between April 2016 and March 2017 – accessed at <https://www.lawworks.org.uk/sites/default/files/LawWorks%20Clinics%20Report%202016-17.pdf> (last accessed on 26 September 2018).

and March 2017⁸. In addition to the provision of advice, law school clinics also account for 50% of clients receiving general information, signposting and referrals⁹. In the North-East of England, where the authors are based, there are 8 clinics within the LawWorks Clinics Network. Between April 2016 and March 2017, they dealt with 1,295 enquiries: 544 of these enquiries were on an ‘advice’ basis, whereas 588 related to general information, signposting and referrals¹⁰.

The emphasis on promoting access to justice is reflected in the educational aims of CLE. This has been summarised by Wizner as follows:

“What do students learn from representing clients in the law school clinic that they would not learn from their regular academic courses? First, they learn that many social problems, like poverty, can be seen and acted upon as legal problems. Second, they learn that legal representation is as necessary to the resolution of complex legal problems of the poor as it is to those of the affluent. Third, they learn to develop and apply legal theory through the actual representation of clients. Fourth, they learn to use the legal system to seek social change. And finally, they learn the limits of law in solving individual and social problems... These are all important intellectual and ethical lessons for law students to learn¹¹”.

CLE is therefore socio-legal in its pedagogical approach as it “invites students to see the wider context and everyday realities of accessing an imperfect legal system, enabling

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Wizner, S (2002) ‘The Law School Clinic: Legal Education in the Interests of Justice’ Fordham Law Review Volume 70 Issue 5 Article 29.

them to integrate their learning of substantive law with the justice implications of its practical operation”¹². Social justice aside, the broader value of student participation in CLE is well-documented and includes community engagement,¹³ general skills improvement and preparation for the workplace¹⁴.

Through a case study approach, this paper discusses two projects which have been established by clinical supervisors at Northumbria University to support access to justice and promote the development of students’ professional skills and identities through CLE within disadvantaged or minority communities in the North East of England. The projects adopt the model of ‘legal outreach services’ because they operate within distinct communities to provide advice to target groups¹⁵. The paper will first discuss the different models of CLE; simulation, drop in clinics, letters of advice and full representation. The second part of the paper will go on to discuss legal outreach models and set out the key features of the legal outreach approach. The third part of the article will set out the considerations underpinning the two outreach projects operated by Northumbria Law School: Legal Advice Byker (LAB) and Empower 4 Justice (E4J). The fourth part of the paper will set out in detail the operation of LAB and E4J. The

¹²Evans, A. Cody, A. Copeland, A. Jeff, G. Joy, P. Noone, M and Rice, S (2017) Australian clinical legal education: models and definitions in Australian Clinical Legal Education published by ANU Press. p.41.

¹³ Russell, J (2013) ‘Running drop-in advice services in a university setting’ International Journal of Clinical Legal Education Volume 19.

¹⁴ Cantatore, F (2018) ‘The Impact of Pro Bono Law Clinics on Employability and Work Readiness in Law Students’ International Journal of Clinical Legal Education, Vol 25, No 1.

¹⁵ Forell, S and Gray, A (2009) ‘Outreach legal services to people with complex needs: what works?’ Law and Justice Foundation Justice Issues Paper 12.

final part of the article will discuss the benefits and limitations of this approach to CLE from a student and community perspective.

MODELS OF CLINICAL LEGAL EDUCATION

The term CLE has different meanings to academics, legal professionals and students¹⁶. This is largely because there is no generally accepted definition of CLE¹⁷. It is, however, widely recognised that CLE is an increasingly prevalent feature of legal education in England¹⁸. CLE fits within the wider pedagogical remit of experiential learning, in which students seek to develop their professional skills through exposure to ‘real’ experiences¹⁹. However, there are many different approaches and models which can be encompassed within CLE, each with differing financial and staffing resource requirements, forms of supervision and levels of advice provided to the client. This reflects the fact that clinics have varying staff and student numbers and institutional support²⁰. In addition, institutions’ decisions about which model of CLE to adopt may depend on their view as to whether its main aim is the education of students or the

¹⁶ Evans, A. Cody, A. Copeland, A. Jeff, G. Joy, P. Noone, M and Rice, S (2017) Australian clinical legal education: models and definitions in Australian Clinical Legal Education published by ANU Press.

¹⁷ Ibid.

¹⁸ See, for example, Bleasdale-Hill, L and Wragg, P (2013) ‘Models of Clinic and Their Values to Students, Universities and the Community in the post-2012 Fees Era. International Journal of Clinical Legal Education Issue 19, pp. 257-270.

¹⁹ Evans, A. Cody, A. Copeland, A. Jeff, G. Joy, P. Noone, M and Rice, S (2017) Australian clinical legal education: models and definitions in Australian Clinical Legal Education published by ANU Press, p. 41.

²⁰ Kemp, V. Munk, T and Gower, S (2016) Clinical Legal Education and Experiential Learning: Looking to the Future. University of Manchester. Accessed at: <http://eprints.nottingham.ac.uk/40920/1/Final%20Report%2022.09.2016..pdf>.

advancement of social justice (or indeed both). The main clinical models are identified further below:

(a) Simulation

Institutions may offer their students simulated client experiences in which they advise hired actors in relation to mock problem-based learning scenarios or conduct mock hearings²¹. This simple model of CLE can be integrated within existing modules and does not require qualified practitioners or significant financial resourcing, although some costs may be incurred if the actors are acting in a professional capacity and seek payment. However, this model also lacks community benefit, does not expose students to real people with complex needs and is likely to do little to instil a social justice ethic into students which they may take forward into a future career.

(b) Drop in clinics

Russell identifies that the drop-in model is characterised by clients being provided with on-the-spot one-off generalist information, advice or signposting by students who interview and assess clients and research the enquiry while the client waits²². Unlike the 'letters of advice' model (outlined below), no prior filtering or triage takes place before the appointment. This means that students are "presented with people who do not necessarily have a readily identifiable legal problem and learn to assist clients in

²¹ See Milstein, E (2001) 'Clinical Legal Education in the United States: In-House Clinics, Externships and Simulations' 51 J Legal Educ. 375.

²² Russell, J (2013) 'Running drop-in advice services in a university setting' International Journal of Clinical Legal Education Volume 19.

translating their concerns into legally recognisable categories”²³. Kemp et al note that drop-in clinics are a relatively recent trend in CLE²⁴. They prioritise community engagement over educational development and endeavour to address the unmet legal need which has arisen following the series of threats to access to justice. As such, drop in clinics typically operate in areas which have seen significant legal aid cuts such as family, housing, immigration and welfare law.

The key benefits of drop-in clinics are that they expose students to people from all walks of life, including disadvantaged and vulnerable communities. Russell notes that students who participate in drop-in clinics develop their interviewing skills, practical legal knowledge and understanding of client care²⁵. However, drop-in clinics inevitably have limitations. For example, instead of students conducting detailed legal research to identify a solution to a clients’ enquiry, they may instead search for pre-formulated advice on an existing practitioner website such as Citizens Advice’s ‘advisernet’²⁶. Alternatively, they may simply just provide the client with an information leaflet²⁷. In turn, this means that the level of advice provided to clients can be very basic. Cases with any complexity are unlikely to be appropriate for advice without significant supervisor

²³ Ibid.

²⁴ Kemp, V. Munk, T and Gower, S (2016) *Clinical Legal Education and Experiential Learning: Looking to the Future*. University of Manchester. Accessed at: <http://eprints.nottingham.ac.uk/40920/1/Final%20Report%2022.09.2016..pdf>.

²⁵ Russell, J (2013) ‘Running drop-in advice services in a university setting’ *International Journal of Clinical Legal Education* Volume 19.

²⁶ Advisernet is an online resource tool for advisers and volunteers at Citizens Advice which covers areas such as welfare law, employment, benefits, housing and debt. The website can be accessed by subscription at: <https://www.citizensadvice.org.uk/>.

²⁷ Russell, J (2013) ‘Running drop-in advice services in a university setting’ *International Journal of Clinical Legal Education* Volume 19.

input because the student does not have sufficient time to get to grips with the issue. In turn, this reduces the students' engagement with the case and their role may be reduced to note taking. As no advice is provided in writing, the students do not develop their legal writing or drafting skills and clients do not receive a comprehensive document containing the advice which they can refer to at a later date. Further, strict drop in models can have practical difficulties. Without pre-arranged appointments, it is difficult to predict the number of clients who will attend the clinic and therefore the amount of student volunteers and supervising solicitors in the requisite practice area needed to service the clients.

(c) Letters of advice

Russell describes the letters of advice model as characterised by clients receiving a one-off letter of advice (but no face-to-face advice) after a lengthy process in which the enquiry is filtered by an administration team and supervising solicitor, an information gathering interview has taken place (at which no advice is provided), and students have spent a period of time conducting research²⁸. This scenario seems to balance the needs of clients with the educational needs of students. Clients are provided with tailored and comprehensive legal advice in relation to their enquiry, however the trade-off is the inevitable delay it takes students to complete the necessary stages (i.e. fact-finding interview, research, preparing the letter of advice).

(d) Full representation clinic

²⁸ Ibid.

Some clinics more closely resemble a full-service law firm in which students do not only provide advice but also represent clients in court and tribunal proceedings. Bleasdale-Hill et al note that this can include students being supervised by external practitioners who assume ultimate responsibility for the quality of the advice; advice provided under the practicing certificate of a qualified pro bono director; or by students under the supervision of qualified academic members of staff²⁹.

An example of a full-representation model is the SLO at Northumbria University. All students enrolled on the four-year M Law Exempting law degree (a programme which combines the undergraduate law degree with the requirements of the Legal Practice Course (LPC) or Bar Practitioner Training Course (BPTC)) undertake a year-long assessed clinical module in the SLO in their final year. This option is also available to students on the LPC and BPTC as an elective module in the second semester. Students provide pro bono advice and potentially representation to members of the public under the supervision of qualified solicitors, barristers or caseworkers. Around 200 students work in the clinic each academic year³⁰. Students specialise in their supervisor's area of expertise, such as civil litigation, crime, welfare benefits, housing law, employment and family law. Inevitably, this is a more labour-intensive model of CLE both for staff and

²⁹ Bleasdale-Hill, L and Wragg, P (2013) 'Models of Clinic and Their Values to Students, Universities and the Community in the post-2012 Fees Era. *International Journal of Clinical Legal Education* Issue 19, pp. 257-270.

³⁰ Information about the Student Law Office can be accessed at: <https://www.northumbria.ac.uk/about-us/academic-departments/northumbria-law-school/study/student-law-office/> .

students but in principle this model has the potential for great rewards in terms of client satisfaction, community engagement and student development.

Law school clinics can also be categorised as ‘individual’, ‘specialist’ or ‘community based’³¹. The individual service model concentrates on the students’ ability to engage with core issues of legal practice that come from the experience of working with a client on any legal case. As such, they do not focus on the legal needs of a particular community or area of law³². In contrast, the specialist model is defined by a particular area of legal need or a broader national concern. In the United Kingdom an example of a specialist clinic would be the Dementia Law Clinic at Manchester University. Established in 2015, this clinic enables students to provide advice under supervision to clients on a range of dementia issues. Cases are referred by Dementia UK and the Alzheimer’s Society, and students provide advice to carers and, where appropriate, clients with dementia³³.

The key feature of the community-based model is that students work with particular communities or geographic areas with the aim of empowering the people they serve. Some projects will focus on a variety of different practice areas, thereby exposing their students to a diverse caseload. In contrast, other projects will focus on niche areas which

³¹ Winkler, E (2013) ‘Clinical legal education: a report on the concept of law clinics’, accessed at https://law.handels.gu.se/digitalAssets/1500/1500268_law-clinic-rapport.pdf.

³² Ibid.

³³ Further information about the Dementia Clinic at Manchester University can be accessed at <https://www.law.manchester.ac.uk/about/stories/dementia-law-clinic-2/>.

are determined by, and according to the needs of, community members³⁴. Further, as their role may also require the students to deliver training, they become law teachers as well as legal advisers. Street Law is a good example of a community-based programme which develops students' skills and empowers communities³⁵.

LEGAL OUTREACH MODELS

Legal outreach has been defined as “face-to-face legal assistance and advice services delivered away from the primary service/office, in places accessible to the target group”³⁶. Such services tend to focus on people who are marginalised or socially excluded as a result of issues such as homelessness, disability, mental health issues, vulnerable immigration statuses, financial hardship, unemployment or remote location³⁷. As such, individuals may have multiple, complex and interrelated needs which are relevant to their legal problems. Legal outreach clinics therefore share some common features with drop-in clinics and community-based projects, discussed earlier in this article.

³⁴ Winkler, E (2013) ‘Clinical legal education: a report on the concept of law clinics’, accessed at https://law.handels.gu.se/digitalAssets/1500/1500268_law-clinic-rapport.pdf.

³⁵ Street Law’s website states its aims as ‘advancing justice through classroom and community education programs that empower people with the legal and civil knowledge, skills and confidence to bring about positive change for themselves and others. More information can be obtained at <https://www.streetlaw.org/>.

³⁶ Forell, S and Gray, A (2009) ‘Outreach legal services to people with complex needs: what works?’ Law and Justice Foundation Justice Issues Paper 12.

³⁷ Ibid.

Forrell et al's study of 16 legal outreach projects in New South Wales identified that quality outreach advice services are effective in reaching target clients who have not previously sought advice from mainstream legal service providers, or who otherwise would not have received legal assistance. Further, there is evidence that legal assistance through outreach services can provide positive legal outcomes, improve clients' circumstances and prevent problems escalating³⁸. In order to achieve positive outcomes, outreach services must be appropriately located and connected with target groups and their support agencies. In addition, they must fill a gap in the existing advice provision to the target group. The service must operate from a location which is physically (and financially) accessible to users and which has private spaces for clients and advisers to discuss confidential cases.

Forrell's review of existing outreach projects indicated that the legal advisers working in outreach services required particular skills. These included having a 'generalist' knowledge across varied practice areas as many clients have intersecting legal problems, having an awareness of other organisations and support services which clients could be referred to and being skilled in communicating and working with the target group³⁹. To this, the authors would add that advisers must also be compassionate and able to empathise with how clients' difficulties can impact their engagement with legal services. For example, clients with complex needs may not always attend appointments, may

³⁸ Ibid.

³⁹ Ibid.

give contradictory accounts, may not provide the relevant documentation and may struggle to remain engaged in the process. It is valuable for students to gain an appreciation of how legal needs impact individuals' abilities to engage in the legal process.

The projects discussed within this article, LAB and E4J, can be regarded as legal outreach services as they both focus on working with targeted communities in order to address unmet legal need⁴⁰. The advice is provided by students within the communities and therefore in places which are frequented and trusted by the target groups. Partnerships have been formed with local agencies and/or law firms in order to carry out appropriate legal needs and service gap analyses, develop appropriate systems of referrals and ensure legitimacy within the target communities. In relation to the targeted communities, LAB operates within the community of Byker in the east-end of Newcastle upon Tyne to provide initial advice to its residents. Byker has a score of 2 on the index of multiple deprivation⁴¹. Of the families living in the community, 48% live in local authority accommodation⁴², 53% of the children are regarded as living in low-income families⁴³ and over 25% describe themselves as living with a long-term health problem

⁴⁰ Ibid.

⁴¹ Information about the socio-economic demographics of Byker can be accessed at: <http://www.knownewcastle.org.uk/DrillDownProfile.aspx?pid=44&rt=11&rid=59029&cookieCheck=true>

⁴² Ibid.

⁴³ Ibid.

which affects their day-to-day activities⁴⁴. LAB is delivered in partnership between the University and a regional legal aid law firm situated in Byker.

In contrast, E4J operates in the ward of Wingrove which is situated in the west-end of Newcastle. Whilst Wingrove has a lower score of 13 on the index of multiple deprivation, many of its female residents experience other barriers to securing legal advice. Wingrove has a high black and minority ethnic (BAME) population; over 50% of its residents identify as 'non-white' and 21% of households have no people for whom English is their first language⁴⁵. E4J was established with the principle aim of empowering BAME women through the provision of initial legal advice. Students work in association with a regional legal aid firm and a specialist BAME women-only organisation to provide initial legal advice to BAME women who are unable to secure legal aid or pay privately for advice. In addition to structural barriers, in many of the cultures served by the project, there are sociocultural practices that can permit male dominance and a culture of shame if BAME women dishonour their families by taking private issues into the public domain⁴⁶. Many BAME women with insecure immigration statuses, or which are dependent on a UK national spouses may also fear engaging with formal justice systems (i.e. lawyers, judges and the court system) because of fear they

⁴⁴ Ibid.

⁴⁵ Information about the socio-economic demographics of Wingrove can be accessed at: <http://www.knownewcastle.org.uk/DrillDownProfile.aspx?rt=11&rid=58981&pid=44&cookieCheck=true&JScrip=1>.

⁴⁶ Siddiqui, H (2018) 'Counting the Cost: BME women and gender-based violence in the UK' IPPR Progressive Review.

will 'say the wrong thing' and compromise their security⁴⁷. BAME women who have been brought to England upon marriage to a UK national may not speak English, lack cultural networks outside their immediate community and therefore lack awareness of their rights⁴⁸.

The Legal Aid Agency (formerly the Legal Services Commission) have identified that many BAME women distrust the legal system because of 'referral fatigue' (telling their story to numerous professionals who are unable to assist) whilst others fear engaging with a solicitor and are intimidated by a formal legal environment⁴⁹. For some BAME women, there are practical difficulties seeking advice because they are chaperoned to appointments by family members and therefore are unable to report or seek help. It has also been reported that BAME women who are able to secure access to a solicitor, find that professionals may be unable to understand the cultural issues in their case sufficiently to represent them⁵⁰. Other BAME women felt that solicitors were too 'process driven' and that legal aid clients were treated poorly in comparison to private paying clients⁵¹. The advice provided by solicitors can also be perceived as inflexible. An example of this is divorce being presented as the only option available on separation, despite the high status conferred on marriage in many cultures. This may lead to BAME women being deterred from seeking support in the future. Despite the fact that some

⁴⁷ Ibid.

⁴⁸ Legal Services Commission (2009) 'Report on Black, Asian and Minority Ethnic (BAME) Women, Domestic Abuse and Access to Legal Aid'.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

women might not wish to leave the relationship or take legal action in respect of their relationship, they still need information and support about their options. These barriers are concerning because BAME women are disproportionately affected by domestic abuse and therefore are more likely to require legal support and advice services⁵². BAME communities have higher levels of domestic homicide, 'honour' killings and abuse driven suicide⁵³. Women are also at risk of culturally specific forms of abuse such as forced marriage, female genital mutilation and dowry related abuse⁵⁴.

Considerations underpinning the projects

LAB and E4J are underpinned by the following community and pedagogical considerations:

1. The aims of the project are twofold. Firstly, the authors wish to reach the targeted communities in areas of legal practice where there is limited or no existing advice provision. As such, it was vital that the authors were not simply duplicating existing legal services or providing advice in cases where preferential funding opportunities may exist. The focus of the services is empowering communities through legal advice and education. Impact can be demonstrated in a variety of ways including that (a) the project has prevented a legal problem from escalating (b) the project has

⁵² Siddiqui, H (2018) 'Counting the Cost: BME women and gender-based violence in the UK' IPPR Progressive Review.

⁵³ Patel, P. and Siddiqui, H. (2010) 'Shrinking secular spaces: Asian women at the intersect of race, religion and gender', in Thiara, R.K. and Gill, A.K. (eds) Violence against Women in South Asian Communities: Issues for Policy and Practice, London: Jessica Kingsley Publishers.

⁵⁴ See Paragraph 73 of The Home Affairs report published on 22 October 2018, which can be accessed at: https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/1015/101503.htm#_idTextAnchor000.

improved the client's circumstances and/or (c) the project has given the client confidence, self-esteem and capacity to take the case forward. In addition, the educational aims of the projects were to develop the students' professional skills and preparedness for practice whilst also developing their competency in working with communities with complex needs. It was also considered important that students had the opportunity to provide advice off-campus and within the targeted communities.

2. It was felt that face-to-face advice was vital in order to build trust and a relationship between the students and the client. As such, the project could not be limited to the 'letters of advice' model discussed above. Due to capacity and resourcing issues, it was not feasible to offer a full representation model. As such, it was felt that advice would be limited to one-off initial advice. In relation to E4J, it was also felt that the students could draw on the clients' experiences to engage in advocacy and law reform to improve the ways in which law affects people within the community.
3. It was considered that a strict drop-in would not be feasible given that both projects would be supervised by a small number of solicitors with limited specialisms. Further, the space available at the appointment venues (a regional legal aid firm for LAB and a women's centre for E4J) would not allow high numbers of clients at each sessions. The authors were also mindful of the pedagogical limitations of drop-in clinics, which are addressed above. In particular, it was felt that students working

with vulnerable individuals for the first time (and indeed the clients they were serving) would benefit from their having sufficient time to conduct research and prepare for the appointments. Prior to beginning work with LAB or E4J, the authors organise induction sessions for the students in which they are able to work through simulated scenarios which mirror those they are likely to incur within the sessions. Arranging the appointments in advance also reduces the likelihood of clients disclosing legal issues which are beyond the scope and/or expertise of the service as full details of the enquiry are taken at the enquiry stage.

4. By increasing the students' understanding of the context in which advice is provided, it was hoped that this would reduce the likelihood of the students becoming distressed by the issues they are exposed to. To reduce the possibility of vicarious trauma, the supervisors ensure that they are approachable for students to discuss any concerns with. Further, the university runs a number of sessions focussed on wellbeing which students are encouraged to attend. Students are also encouraged to reflect with their supervisors and peers about their cases in regular weekly meetings.

The next part of this article will discuss LAB and E4J in detail.

Case Study 1: Legal Advice Byker

LAB is a legal outreach clinic whereby students go into the community in order to provide the advice. LAB began in January 2012 with the objective of providing members of the public with access to legal advice in circumstances in which they may not

otherwise be able to obtain such advice⁵⁵. This may be due to either the cost involved in paying a solicitor or otherwise to the nature of the enquiry where the solicitor may not assist. Students work in partnership with a regional legal aid firm in the community of Byker, Newcastle upon Tyne in order to provide initial advice to its residents.

The project runs from January to May each year. During the course of the project, the students conduct three separate, one-off initial advice sessions. LAB is run by student advisors who study on the post-graduate LPC course at Northumbria University. The students chose whether to take LAB as one of their elective subjects after attending an introductory lecture on what is involved and what is expected of them⁵⁶. The students therefore undertake this project alongside several other classroom based, elective subjects. Students generally have limited practical experience advising clients when they begin this elective, although many have had a period of work experience in law firms.

All appointments are arranged in advance with the clients and brief details of the case are taken by the LAB administrators within the SLO. This is necessary as cases with urgent deadlines, cases that are particularly complex and cases where there is no solicitor with expertise in the applicable area of law are unlikely to be offered an appointment. Areas of law which have been covered include family law, housing,

⁵⁵ This is highlighted in the Northumbria University course manual 'Legal Practice Course Student Manual 2018-19'.

⁵⁶ In contrast to the final year law students undertaking the four year M Law (Exempting) Degree at Northumbria University where the Student Law Office module is a compulsory year-long module.

employment, civil litigation and welfare benefits. However, the areas of practice do change each year depending on what area of law the available solicitors specialise in. The students gain the opportunity to deliver three advice sessions throughout LAB. Therefore they could potentially conduct client interviews in three different areas of law and provides students with the experience of working under the supervision of three different solicitors.

If the enquiry is considered suitable by the solicitor supervisor the enquiry is allocated to a pair of students and they undertake responsibility for the client. They have up to a week to open a client file, undertake and prepare the practical legal research and draft the interview plan. This work is completed under a tight timescale, so that they are prepared to advise on the day of their first appointment with the client. The solicitor supervisor checks both the practical legal research report and interview plan and returns each document to the students with their amendments as formative feedback⁵⁷.

Two advice appointments take place at the offices of the regional law firm and one appointment takes place within the SLO at Northumbria University. On the day of the advice session at the local law firm, the students gather in the boardroom in advance of the appointment time. Here they meet the external solicitor supervisor and discuss the enquiry, the amended research report and the interview plan. Each student pair then conducts the client interview. They provide compliance information, confirm their

⁵⁷ Boothby, C (2016) 'Pigs are not fattened by being weighed' so why assess clinic and can we defend our methods?' *International Journal of Clinical Legal Education* Volume 23.

instructions and obtains any missing factfind information. After around 30 minutes the interview is paused for 15 minutes and the client waits while the students return to the board room to further discuss the case with their supervisor. A discussion takes place as to whether any further research is required before advice can be given or whether the advice remains appropriate and can therefore be given there and then. Where advice can be given, it is formulated by the students drawing on their existing research and agreed by the supervisor. The students return to the interview room and deliver the appropriate advice. Where possible, should the client require further assistance referrals are made to appropriate law firms. The interview process is usually complete within one hour. The speed at which the advice is provided more closely resembles life in practice where a client can expect to receive some initial advice during their first appointment. For the advice appointment which takes place in the SLO, the same procedure is followed, except the enquiry is supervised solely by the designated solicitor within the University.

Following the advice appointment, the students draft an attendance note of the meeting which sets out the client's instructions and the advice that was given. The students then confirm the advice in writing to the client within three weeks of the date of the appointment. The solicitor supervisor approves the letter of advice and provides the students with feedback. Where the case has been supervised by a solicitor at the local law firm, the advice letter is approved and signed by the solicitor and sent out on the firms' letterhead paper. Attached to the letter is a questionnaire, which asks the client to

provide feedback about their experience. Once the letter is sent to the client, the file is closed. At this stage, the external solicitor completes a pro-forma feedback form and sends this to the designated SLO supervisor who will ultimately assess that student at the end of the programme. The pro-forma allows the supervisor to comment on all aspects of the students work, including the research report, interview and letter writing.

As each pair of students have the opportunity to conduct three advice appointments, 18 clients can benefit from legal advice under this model. During the academic year 2016-2017, 12 students participated in this project and advice was provided to 12 clients. The discrepancy in the numbers is because not all clients attended an appointment and whilst the authors do not know the exact reasons why, this may support the authors' view that clients with complex needs may struggle to engage in the legal advice process more so than those who do not.

Case study 2: Empower 4 Justice (E4J)

As considered earlier in this article, E4J is another example of a legal outreach clinic operating within a vulnerable community and lead by staff who work within the SLO. E4J was set up in September 2017 with the principle aim of empowering BAME women through the provision of initial legal advice. Students work in association with a regional legal aid firm and a specialist BAME women-only organisation to provide initial legal advice to BAME women who are unable to secure legal aid or pay privately for advice. Many of the clients are vulnerable by reason of being survivors of domestic abuse including forced marriage, FGM, sexual abuse and exploitation, domestic slavery and

coercive control. In addition to legal concerns, some of the women also experience related problems such as homelessness, poverty and insecure immigration statuses.

E4J was established to address some of the structural and cultural access difficulties that many BAME women found in securing advice in the North-East of England, which are explored above. There is national concern about a reduction in support for specialist BAME services and ongoing support for their existence. This was summarised in the recent Home Affairs Committee report following the government consultation 'Transforming the Response to Domestic Abuse':

We are particularly concerned about the reported decrease in specialist services for BAME victims of abuse. Some BAME women are more vulnerable to culturally specific types of abuse and can find it particularly difficult to seek help because of close-knit family and communities, and because of language difficulties. Witnesses provided evidence about a range of specific problems for some BAME women, including financial difficulties for those with No Recourse to Public Funds, transnational marriage abandonment, honour-based violence and extra-territorial jurisdiction for victims who are removed from the UK in order to be harmed. We believe that specialist 'by and for' BAME domestic abuse services are necessary to win the confidence of BAME

*victims of abuse, to understand the issues they face and to have the skills and experience to provide the necessary support*⁵⁸.

The project runs one afternoon each month between October and April, in line with the academic calendar. Within each session, four appointments are available ranging in length between one hour and one and a half hours. Every year there is therefore capacity to deal with 28 enquiries. Unlike LAB, which is an LPC elective, E4J is run by student advisors on the final year of the M Law degree programme who are undertaking the clinical SLO module. As such, participation in this project supplements their existing casework in the SLO. Typically, these students have limited practical experience working with clients as their undergraduate legal education has thus far focussed on black letter law.

Similarly to LAB, E4J is not a strict drop-in clinic in the sense that appointments are arranged in advance with the clients. It was felt that a drop-in clinic would lack merit for both the students and the clients, as the students would not be familiar with the areas of law and could not therefore provide any meaningful advice (without significant supervisor input). Further, the sheer demand for the service would be problematic as there are a limited number of supervisors at each session with limited specialisms.

⁵⁸ Paragraph 73 of The Home Affairs report published on 22 October 2018, which can be accessed at: https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/1015/101503.htm#_idTextAnchor000.

The women's organisation is responsible for identifying suitable referrals from their existing client base and providing enquiries to the SLO at least one week in advance of the appointment. This initial triage is helpful because it reduces the prospect of us receiving an enquiry which would not be suitable for the supervisor or students. Further, as the enquiry is prepared by someone with an existing relationship with the client (usually a support worker or domestic violence advocate), the referrals contain considerable levels of detail which in turn, supports the students' ability to conduct effective research. Of course, a limitation of the project is that women who have not sought initial support at the women's organisation are not able to receive advice through the project and therefore will likely continue to go without advice and support.

Suitable enquiries tend to be those which are neither urgent nor overly complex as the students have a limited amount of time to conduct research. In addition, where it is clear that clients are likely to be eligible for legal aid, it would always be preferable for a referral to be made to the partner legal aid firm at outset. The main areas of unmet legal need following LASPO are housing, family law and welfare benefits⁵⁹ and this is reflected in demand and therefore the areas of law that are covered by the project. There is also a demand for immigration advice however unfortunately there are no solicitors specialising in this area. Family law cases which are suitable for initial advice tend to include information about divorce and judicial separation proceedings, contact

⁵⁹Amnesty International (2016) 'Cuts that Hurt: legal aid cuts in England on access to justice' [accessed at <https://www.amnesty.org/download/Documents/EUR4549362016ENGLISH.PDF>].

arrangements for children and cohabitation disputes. Housing enquiries often focus on public sector issues (where legal aid is not available) such as homelessness, allocation policies and procedures and local government housing responsibilities more generally. By virtue of the fact that many of the clients have cultural, financial and familial links to other jurisdictions, the cases often have an international element. This provides students an opportunity to learn about different religious, cultural and political perspectives and approaches to the law⁶⁰. An example of this can be seen in relation to the recognition of Islamic marriages. There have been a handful of cases where students have been required to advise women about the legal validity (or lack thereof) of a Nikah contract. Many Muslim women are unaware that an Islamic Nikah ceremony performed in England (without an accompanying civil ceremony) is unlikely to create a legally recognised marriage with the couple still classed as cohabitants in the eyes of English law⁶¹. Therefore, should the marriage break down, the financially weaker party (usually the 'wife') is vulnerable as there are limited financial claims she can make against her husband. The need for legal reform in this area has been the focus of scholars, practitioners and campaigners⁶². It is valuable for students to engage in discussions about whether this lack of protection is discriminatory and debate the options for law reform in this area.

⁶⁰ Reynolds, W (1995) 'Why Teach International Family Law in Conflicts' 28 Vanderbilt Journal of Transnational Law.

⁶¹ See, for example, O'Sullivan, K & Jackson, J (2017) 'Muslim Marriage (Non Recognition): Implications and Possible Solutions' Journal of Social Welfare and Family Law, 39:1, pp. 22-41.

⁶² Ibid.

Similarly to LAB, after receiving the enquiry form, two student advisors are allocated to the case and they must carry out initial research based on the information available to them. The research report should identify any further information required about the client's case and make a preliminary assessment about any action the client can take and the merits of proposed action. Importantly, as the client will be taking any further steps without the assistance of a legal representative, any practical action must be clearly identified. The research report is approved by the students' supervisor who will be a specialist solicitor, barrister or caseworker in the relevant area of law. As with LAB, the research report forms the basis of the interview plans which the students rely on in the appointment.

Despite being a women's only service, both male and female students participate in E4J. There is, however, space on the enquiry form for the advocate to specify whether the client requires female-only advisers. This may be justified, for example, where the client may experience trauma or re-victimisation due to their previous experiences. The availability of female-only advisers is arguably an essential part of acting in the best interests of each client and providing a proper standard of service to each client⁶³. Whilst this option exists, to date there have been no requests for female-only advisers.

The appointments take place at the women's organisation in order to provide an accessible environment with which the women are already familiar. Unlike a formal legal environment, appointments are carried out on sofas in a room which resembles a

⁶³ As required by principles 4 and 5 of the Solicitors Regulation Authority Code of Conduct.

living room. With their consent, clients are accompanied by a support worker or independent domestic violence advocate (IDVA) with whom they already work closely. This ensures that a 'holistic' approach to supporting the client is adopted where both their legal and emotional needs are considered. Further, from a practical perspective, it means that the IDVA is aware what advice has been provided and can provide ongoing support to the client if they need to take further steps to resolve their legal case. It also allows the advocate to act as an independent translator for clients with limited English. To assist with the informality, students are encouraged to wear office appropriate clothing however this does not necessarily have to be a suit, which may be intimidating to some clients.

The students are supported in the appointment by their supervisor. In a similar manner to LAB, during the first part of the appointment the students will provide compliance information (i.e. in order to comply with GDPR and Solicitors Regulation Authority requirements) and ask fact find questions to ensure they have all relevant information. Following this, the students have a discussion with their supervisor about whether the advice remains appropriate in light of any further information that has been provided. Assuming this is the case, the students then return to the appointment to deliver the advice. Alternatively, if the advice has changed (typically because the factual background to the case is different to anticipated), the students may not be able to provide immediate advice as it may be necessary to carry out further research. After the appointment, the students complete a one-page pro-forma with a bullet pointed list of

the advice provided to the client and any immediate action they need to take. This is followed by a comprehensive advice letter which is sent to the client within 21 days of the appointment. At this point, the client's file is closed reflecting that the retainer has come to an end. Where possible, referrals will be made to appropriate law firms for the case to be taken on under a legal aid contract or a fee agreement. At this stage, the clients are also asked to provide feedback about their experience through a questionnaire in order to assess client satisfaction and contribute to the ongoing development of the project.

In its initial year, over 28 students participated in the project and advice was provided to 14 women. In addition to this, a training session was delivered to the IDVAs and support staff at the women's organisation about the availability of civil claims under the Criminal Injuries Compensation Authority for victims of domestic abuse.

ANALYSIS OF THE NORTHUMBRIA UNIVERSITY CASE STUDIES

Community benefits

The advantage of a legal clinic in offering a valuable service to the local community is well established in the literature⁶⁴. However, the projects outlined in this article have taken this one-step further. With both projects, the students are required to leave the

⁶⁴ Frank Dignan (2011) 'Bridging the Academic/Vocational Divide: The Creation of a Law Clinic in an Academic Law School' 16 International Journal of Clinical Legal Education Volume 75.

university campus and actively go out into the targeted community in order to provide their legal advice. The legal advice is provided within communities where there is limited or no existing pro bono advice provision available. In LAB, the students go to a regional law firm situated in an area of high social deprivation to provide the advice. By providing a pro bono legal advice clinic alongside this law firm, the partnership raises the profile of the service within the local community and supports unmet legal need. Likewise, in E4J, students work within a women's organisation alongside IDVAs and support workers. In turn, the students target a specific community to ensure they receive the appropriate advice and assistance.

There is arguably a direct access to justice advantage that arises from extending the legal services offered by a law clinic to those areas of law in which external solicitors can supervise⁶⁵. In LAB, 12 clients benefitted from legal advice under this model during the academic year 2016-2017 and there was an equal spread of advice given in the areas of general civil litigation, housing, family and employment law. With regards to E4J, 14 women benefitted from legal advice last year. The majority of advice (61%) was in the area of family law, whilst 30% of cases related to housing law and the remainder concerned welfare benefits. As explained above, whether the enquiry is suitable to advise on does depend on the area of specialism of the available supervisors in each

⁶⁵ Castles, M (2016) 'Marriage of convenience or a match made in heaven? Collaboration between a law school clinic and a commercial law firm' *International Journal of Clinical Legal Education*, volume 23, pp. 7-47.

project; however, these were also the areas in which there was the most demand for service.

From the authors' experience, the one-off advice appointment is usually either sufficient to resolve the client's issue (in that they have no need to seek further legal advice) or the project gives the client the confidence, self-esteem and capacity to take the case forward themselves. In some cases this has been reported by the clients' support worker (in the case of E4J) or was reported in the client feedback questionnaire. In the authors' view this beneficial impact is a result of the advice being comprehensive, tailored to the particular case and practically focussed so clients have a clear idea about how to progress the matter. Where further legal assistance has been required, the client's circumstances were also improved through an appropriate referral system which directed them either to the SLO (to students on another programme at the university), to the partner law firm as a client because legal aid or a conditional or contingent fee agreement could be offered or to another local law firm or pro bono organisation specialising in the relevant area of law. This supports previous research, which highlights that a legal outreach service can provide effective legal outcomes, improve clients' circumstances and prevent problems escalating⁶⁶.

The projects have received positive feedback from clients within the questionnaires that are completed at the end of their experience with the clinic or from the clients' support

⁶⁶ Forell, S and Gray, A (2009) 'Outreach legal services to people with complex needs: what works?' Law and Justice Foundation Justice Issues Paper 12

workers. E4J has also been recognised at the annual Law Works & Attorney General Student Pro-Bono Awards, where it was awarded “Best New Pro Bono Activity”⁶⁷. The award nomination included the E4J project together with the wider work that the students do to assist victims of domestic abuse in the local community through the SLO. As such, these projects have led to reputational benefits for the university.

Pedagogical benefits

The outreach model used in both LAB and E4J enables the students to intensively develop their employability skills and preparedness for practice. Unlike the SLO model, there is no initial fact find interview, which gives the students a significant amount of time to digest the information and undertake their legal research. In LAB, the students swiftly conduct their research based upon the initial enquiry information and thereafter prepare for their advice interview. However, unlike a drop-in model, the students have sufficient time to prepare for the interview and get to grips with the issues. In the authors’ view, the right balance is struck between giving the students the appropriate time to research but also ensuring they meet the challenges of working under pressure and under a tight timescale. The result is that arguably the students intensively develop their professional skills and are better equipped and prepared to handle the demands of the legal profession. Simultaneously the advice is comprehensive and tailored to the client’s case rather than the more superficial

⁶⁷<https://www.lawworks.org.uk/solicitors-and-volunteers/get-involved/lawworks-and-attorney-generals-student-pro-bono-awards-2018>.

approach of a drop-in. As the advice is confirmed in writing, the students also develop their written communication skills.

In LAB, the partnership between the university and the local law firm enriches the students' experience. The students work with and learn from at least two solicitor supervisors; one of whom is an experienced practitioner within the target community, thereby allowing students to develop a holistic approach to providing the advice. Bleasdale-Hill highlights that the internal supervision model (where the academic members of staff supervise the student) provides for more contact with the supervisor than an external model (which involves external practitioners)⁶⁸. She considers that this in turn enhances the skills students gain from the clinic. Under the LAB model, the students gain the benefit of both the internal and external supervision model. They work under their internal supervisor throughout the project and this provides them with an opportunity to gain frequent and regular feedback. They attend their weekly firm meeting with their internal supervisor and the rest of their firm members. They also have the benefit of an appraisal where they are invited to reflect upon their skills and their experience to date. They also work under the external supervisor, which brings the opportunity for the student to engage with different practice styles⁶⁹. Students learn whether they should adjust their style and how they can do so, thereby

⁶⁸ Bleasdale-Hill, L and Wragg, P (2013) 'Models of Clinics and Their Value to Students, Universities and the Community in the post 2012 Fees Era' *International Journal of Clinical Legal Education*, volume 19, pp.257-270.

⁶⁹ Plerhoples, A and Spratley, A (2014) 'Engaging Outside Counsel in Transactional Law Clinics' *Clinical Law Review* Volume 20, pp 379, 393.

developing their professional identity. Likewise, in E4J, students work alongside IDVAs and support workers which gives them an understanding of how legal advice interacts with other services (for example counselling) and an awareness of the different roles that professionals play in supporting survivors.

The involvement of different supervisors also expands the breadth of work the students can engage in and thereby affords those students with experience in different areas of law. However where students advise on the same area of law in all of their advice sessions this is equally beneficial as they are exposed to 'the same legal problem but from new or different perspectives'⁷⁰. In turn, this enables students to develop a deeper perspective about the complexities and nuances of particular legal problems.

The students also gain an insight into the social and personal issues affecting their local communities, are exposed to clients they otherwise may not be in contact with. As students are required to leave the university campus and go out into the community, they are able to meet people from different walks of life and develop new perspectives. By advising within disadvantaged, targeted communities the students develop their competency in working with those who have complex needs. In addition the students must also be compassionate and learn the importance of empathy when meeting their clients. As mentioned earlier in this article, clients' difficulties can impact their engagement with legal services and students gain an appreciation of this. For example,

⁷⁰ Winkler, E (2013) 'Clinical legal education: a report on the concept of law clinics', accessed at https://law.handels.gu.se/digitalAssets/1500/1500268_law-clinic-rapport.pdf.

clients with complex needs may not always attend appointments, may give contradictory accounts and may not provide the relevant documentation. The students involved have valued the opportunity to promote access to justice at difficult times in their lives. This is reflected in the comments made by students, shown below.

"Working in this project has helped me learn and grow and I think become a more well-rounded individual never mind practitioner."

"Working in communities and with women where they seemingly have no other access to legal advice made it more satisfying that I was able to be a part of it."

"You just felt so sorry for the women that you were helping, just it really made me feel like I was doing something worthwhile."

"It made me more interested in working within the area of family law.... I was able to gain a deeper insight into something that normally happens behind closed doors. I want to help people that are in similar situations".

Limitations

The authors accept that the model adopted in LAB and E4J has limitations from a client, student and supervision viewpoint. The students provide one-off initial advice, they do not undertake to represent the client at court or provide any further assistance beyond the appointment. However, as highlighted above this model does benefit more clients as a greater number receive initial advice than in a model, which involves further legal assistance and representation. From a student perspective, through initial advice they

see a snapshot of their client's case. They do not gain the experience that full case representation brings, such as liaising with an opponent and drafting court documents. It also remains a challenge for the students to balance their workload however this is not unique to LAB and E4J. However, the students are informed at an early stage what is expected of them and the authors consider that this ultimately improves their time management skills.

Finally, from a supervision viewpoint, it is recognised that there must be sufficient feedback from the external solicitor to both the student and the internal solicitor. This is imperative for both the student who must learn how they can improve a particular skill or piece of work and for the internal supervisor who must be in a position to effectively assess the students on their practical work at the end of the project. To overcome this challenge a framework was put in place for the students to receive not just feedback on their work and during the face-to-face meeting, but also to receive a completed feedback form on their performance.

CONCLUSION

Undoubtedly CLE plays a valuable role both to the community in promoting access to justice and to the participating students in developing their professional skills and preparedness for practice. This article has outlined two outreach projects operated by Northumbria University through CLE and has sought to demonstrate the pedagogical benefits to the participating students and the access to justice advantages they bring to the communities they serve. From a student perspective, the value of the model lies not

only in the intense development of skills competencies but also in gaining an insight into the social and personal issues affecting a local community through working with those who have complex needs. The students gain an appreciation of the value of clinical work within disadvantaged communities and the access to justice challenges faced by their clients. From a community perspective, effective partnerships have been formed which have targeted vulnerable communities whilst simultaneously addressing unmet legal need. Taking into account the positive student and client feedback from these projects (and therefore the associated reputational benefit), the authors would encourage other clinical supervisors to form partnerships with external agencies and utilise the legal outreach model.